

### REMARKS

These remarks and the accompanying amendments are responsive to the Office Action made final and dated May 13, 2008 (hereinafter referred to as the "Office Action"). At the time of the last examination, Claims 5-10 were pending, of which Claims 5, 7 and 9 are independent. The Office Action rejected Claims 5-10.

Section 2 of the Office Action rejects Claims 5-10 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 5,914,959 issued to Marchetto et al. (the patent hereinafter referred to simply as "Marchetto") in view of United States patent number 5,963,592 issued to Kim (the patent hereinafter referred to simply as "Kim"). However, for the reasons provided hereinafter, this rejection should be withdrawn because Kim does not qualify as prior art under any section of 35 U.S.C. 102.

For instance, referring first to 35 U.S.C. 102(e), the effective 102(e) date of Kim patent is December 1, 1997, whereas the date of the applicant's invention is April 17, 1997 at the latest, as evidenced by the Japanese filing of April 17, 1997. While Kim does claim priority to a Korean patent application filed December 28, 2006, that foreign filing date is not relevant for purposes of determining the effective 102(e) date of Kim. Since the invention date of the present application (April 17, 1997 at the latest) is earlier than the effective 102(e) date of Kim (December 1, 1997), Kim would not qualify as prior art under 35 U.S.C. 102(e). The case against Kim qualifying as prior art is more straightforward for the other subsections of 35 U.S.C. 102. Accordingly, Kim cannot be used in the 35 U.S.C. 103 rejection against claims of the present application. Therefore, the 35 U.S.C. 103 rejection should be withdrawn.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 11<sup>th</sup> day of August, 2008.

Respectfully submitted,

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